

# TOWN COUNCIL

## STAFF REPORT EXECUTIVE DEPARTMENT



<b>MEETING DATE:</b>	June 14, 2016
<b>PROJECT:</b>	Animal Control Ordinance
<b>PROJECT MANAGER:</b>	Terry Finger, Town Attorney

### **RECOMMENDATION:**

Town of Bluffton Code of Ordinances, Chapter 4 - Animals be amended by striking it in its entirety and replaced with adoption, by reference, of Beaufort County Ordinance Chapter 14, Article II - Animal Control. In addition to reference to the Beaufort County Ordinance, several items should also be added to the amended Bluffton Code of Ordinances Chapter 4 which are unique to the existing Town of Bluffton Code regarding animal control.

### **SUMMARY:**

A request has been made by Beaufort County for the Town of Bluffton to adopt the new County Animal Control Ordinance, by reference, and enter into an intergovernmental agreement which would allow the County to enforce the ordinance within Town limits. Currently, the County ordinance is only enforceable in the unincorporated areas of the County. In order for a County Ordinance to be enforceable within a municipality, the municipality would have to either adopt the ordinance, or enter into an agreement with the County for the ordinance to be in effect within the Town. The County would like for all Beaufort County municipalities to repeal their current animal control ordinance, adopt the County ordinance, and enter into an intergovernmental agreement in order for there to be a uniform animal control ordinance throughout the County.

The Towns of Port Royal and Hilton Head Island have already complied with this request from Beaufort County.

### **BACKGROUND:**

The Town has a current animal control ordinance in Chapter 4 of the Bluffton Code of Ordinances. The County ordinance would be a more comprehensive ordinance than the Town currently has in place. For instance, the County ordinance requires dogs to have an annual license unless they have a chip implanted or permanent tattoo placed on the dog. Also, the County classifies Pitbull dogs as a restricted species and applies special rules to ownership of these dogs, such as requiring spaying or neutering for all Pitbulls unless they meet a listed exception.

Items not addressed in the County ordinance that are currently covered in the Town's existing animal control ordinance are:

Sec. 4-4. - Driving and racing.

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

Sec. 4-35. - Swine, livestock prohibited from Town; exceptions.

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.

Sec. 4-36. - Nuisances; failure to abate.

(c) All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County health officer.

Sec. 4-91. - Established.

(a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Palmetto Bluff.

(b) Unless otherwise authorized under state hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council or the Manager.

These items have been retained and are included in the proposed ordinance.

### **RECOMMENDED NEXT STEP(S):**

Town Council pass the amendment on second and final reading. In a separate and subsequent action, it is recommended that Council adopt, by resolution, an Intergovernmental Services Agreement between Beaufort County and the Town for the purposes of providing animal control services within the Town's municipal boundaries.

### **ATTACHMENTS:**

1. Town of Bluffton Proposed Ordinance, with supporting exhibits
  - a. Exhibit A – Ordinance No. 2010-12
  - b. Exhibit B – County Ordinance
  - c. Exhibit C – Article III, Specific to the Town of Bluffton

**ORDINANCE NO. 2016 – \_\_\_\_\_**

**TOWN OF BLUFFTON, SOUTH CAROLINA**

**AN ORDINANCE REPEALING CHAPTER 4 ANIMALS OF THE CODE OF ORDINANCES FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA AND REPLACING WITH A NEW CHAPTER 4 ANIMALS**

**WHEREAS**, the Town of Bluffton and Beaufort County are in the process of negotiating an Intergovernmental Services Agreement for the Beaufort County Animal Services Department to provide animal control services within the Town's municipal boundaries; and,

**WHEREAS**, the Code of Ordinances for the Town of Bluffton Chapter 4, Animals provides the current regulations pertaining to disorderly and nuisance premises which was adopted on August 10, 2010 through Ordinance 2010-12; and,

**WHEREAS**, the proposed Intergovernmental Services Agreement requires that the Town adopt Beaufort County's Animal Ordinance Chapter 14 Article II Animal Control by reference in an effort to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

**WHEREAS**, the Town of Bluffton Town Council has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

**WHEREAS**, the Town of Bluffton Town Council also has the authority to enact ordinances for care and control of dogs, cats, and other animals pursuant to South Carolina Code of Laws 1976, Section 47-3-20; and,

**WHEREAS**, the Code of Ordinances for the Town of Bluffton Chapter 4, Animals provides the current regulations pertaining to disorderly and nuisance premises; and,

**WHEREAS**, the Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed appropriate; and,

**WHEREAS**, the Town of Bluffton Town Council desires to repeal the current Chapter 4 Animals and establish a new Chapter 4 Animals to enable the Town of Bluffton and the Beaufort County Animal Services Department to better facilitate, regulate, supervise, and provide consistent treatment throughout the Town.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA**, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

**SECTION 1. AMENDMENT.** The Town of Bluffton hereby amends the Code of Ordinances for the Town Of Bluffton, South Carolina as follows:

- A. Repeal the current Chapter 4 Animals as shown in Exhibit A, which is attached and incorporated hereto; and,
- B. Adopt and incorporate a new Chapter 4 Animals, Beaufort County Code of Ordinances Chapter 14, Article II Animal Control of the Code of Ordinances for the Town Of Bluffton, South Carolina, is hereby adopted by reference. A copy of the Code is hereby made a part of this chapter as fully and completely as if the same were set out herein verbatim. A copy of the code is on file in the office of the Municipal Clerk. See Exhibit B for language of the new ordinance.
- C. Adopt and incorporate Chapter 4, Article III Specific to the Town of Bluffton as shown in Exhibit C, which is attached and incorporated hereto.

**SECTION 2. REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT.** This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

This Ordinance was read and passed at first reading on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

\_\_\_\_\_  
Sandra Lunceford  
Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on \_\_\_\_\_, 2016.

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

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Sandra Lunceford  
Clerk, Town of Bluffton, South Carolina

**AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, OF THE MUNICIPAL CODE OF THE TOWN OF BLUFFTON, SOUTH CAROLINA.**

**Whereas**, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and

**Whereas**, the Town of Bluffton Municipal Code Chapter 4, Animal, Ordinance is hereby amended to comply that enables to better facilitate, regulate and supervise consistent treatment in the Town of Bluffton; and

**Whereas**, The Town of Bluffton has the authority to enact such regulations and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and

**Whereas**, Amendment of the Chapter 4, Animals, of the Town of Bluffton Municipal Code is restated as follows:

**Article I. In General**

- Sec. 4-1. Responsibility for animal control.
- Sec. 4-2. Definition; application of regulations.
- Sec. 4-3. Animal and fowl nuisance.
- Sec. 4-4. Driving and racing.
- Sec. 4-5. Animals at large prohibited.
- Sec. 4-6. Housing for animals to be hygienic.
- Sec. 4-7. Food, water, exercise, space and shelter.
- Sec. 4-8. Dead animals; disposal.
- Sec. 4-9. Impoundment of animals authorized.
- Sec. 4-10. Thru 4-34. Reserved.

**Article II. Hogs, Livestock, Etc.**

- Sec. 4-35. Swine, livestock prohibited from Town; exceptions.
- Sec. 4-36. Nuisance; failure to abate.
- Secs. 4-37. thru 4-62. Reserved.

**Article III. Animals in General**

- Sec. 4-63. Dog defined; running at large prohibited.
- Sec. 4-64. Rabies inoculation required; County requirements.
- Sec. 4-65. Unrestrained dogs or unlicensed dogs to be impounded.
- Sec. 4-66. Animal Cruelty
- Sec. 4-67. Trap-Neuter-Release (TNR)
- Secs. 4-68 thru 4-90. Reserved

## **Article IV. Bird Sanctuary**

### **Sec. 4-91. Established**

\*State Law References – Municipal authority to enact ordinances for care and control of dogs, cats, and other animals, S.C. Code 1976, § 47-3-20; municipal powers not limited by state laws, S.C. Code 1976, § 47-3-70; required annual inoculation of pets against rabies, S.C. Code 1976, § 47-5-60; notice to health department of animals suspected of rabies, S.C. Code 1976, § 47-5-80; metal inoculation tag required, S.C. Code 1976, § 47-5-60; impoundment of strays, S.C. Code 1976, § 47-3-40; disposition of strays, S.C. Code 1976, § 47-3-60; duty to contact owners, S.C. Code 1976, § 47-3-55; state falconry permit regulations, S.C. Code Reg. 123-170.

## **ARTICLE I. IN GENERAL**

### **Sec. 4-1. Responsibility for Animal Control.**

The responsibility for animal control is hereby vested concurrently in the County and the Town.  
(Code 1999, § 3.101)

### **Sec. 4-2. Definition; Application of Regulations.**

(a) *Animal* means any live, vertebrate creature, domestic or wild.

(b) All regulations shall apply within the municipal limits  
(Code 1999, § 3.102)

### **Sec. 4-3. Animal and Foul Nuisance.**

(a) Any fowl, bird, or animal, including dogs, which shall by sound, odor, or sight materially interfere with or adversely affect health, comfort, peace, or quiet of the people of the Town is hereby declared to be a nuisance.

(b) *Nuisance* means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages private or public property; or
- (6) Barks, whines, howls, screeches or crows in an excessive, continuous or untimely fashion.
- (7) Causes harm to the public's health, safety or well being.

(c) Any person harboring, keeping in possession, or having in custody or control any fowl, bird, or animal which constitutes a nuisance as defined in subsection (a) of this section who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing in writing to do so by the Chief of Police shall be guilty of a misdemeanor.  
(Code 1999, § 3.103)

**Sec. 4-4. Driving and Racing.**

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.  
(Code 1999, § 3.105)

**Sec. 4-5. Animals at Large Prohibited.**

(a) *Running at large.* It shall be unlawful for any owner or custodian of any dog, cat, or other animal to permit the dog, cat, or other animal to run at large at any time upon any street or highway or other property within the Town.  
(S.C. Code 1976 § 47-7-110).

(c) *Control of animals generally.* No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

**Sec. 4-6. Housing for Animals to be Hygienic.**

No person shall cause or allow any place where an animal is kept or may be kept to become unclean or unwholesome.  
(Code 1999, § 3.108)

**Sec. 4-7. Food, Water, Exercise, Space and Shelter.**

No owner or keeper shall fail to provide animals and livestock with wholesome food, water, adequate space, and shelter from the weather.  
(Code 1999, § 3.304)

**Sec. 4-8. Dead Animals; Disposal.**

(a) Shall be unlawful for any person who has possession, ownership, or custody of any animal that may die from any natural or other cause to permit such dead animal to remain for a longer period than may be necessary under the circumstances to remove such dead animal. Under no condition shall any such animal remain longer than 24 hours.

(d) Any dead animal not so removed within 24 hours shall be removed at the expense of the person in whose possession the animal died.  
(Code 1999, § 3.109)



**Sec. 4-9. Impoundment of Animals Authorized.**

(a) Any animal, including dogs, found within the Town in such a place, circumstances, or condition so as to constitute a violation of any provision of this chapter may be seized and impounded by any member of the Town Police Department and other duly authorized law enforcement or animal control officer, or his designee.

(b) If the owner or keeper of such animal cannot be immediately located or notified, such animal may be turned over to the County Department of Animal Control or other appropriate agency or facility determined by the Chief of Police.

(c) In addition to any other penalty provided by law, the owner of such animal shall reimburse the Town for any costs incurred by the Town in the capture and confinement of such animal.

(Code 1999, § 3.203)

**Sec. 4-10 – 4-34. Reserved.**

**ARTICLE II. HOGS, LIVESTOCK, ETC.**

**Sec. 4-35. Swine, Livestock Prohibited from Town; Exceptions.**

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.  
(Code 1999, § 3.201)

**Sec. 4-36. Nuisances; Failure to Abate.**

(a) Any livestock which shall by sound, odor, or sight materially interfere with or affect the health, comfort, peace, or quiet of the people of the Town is hereby declared to be a nuisance.

(b) Any person harboring, keeping in possession, or having in custody or control any livestock which constitutes a nuisance as defined in subsection (a) of this section who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing to do so by proper authority, upon conviction, shall be guilty of a misdemeanor.

(c) All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County health officer or appropriate official. (Code 1999, § 3.202)

**Sec. 4-37 – 4-62. Reserved.**

### ARTICLE III. ANIMALS IN GENERAL

#### **Sec. 4-63. Dog Defined; Running at Large Prohibited.**

(a) The term “dog” shall include all members of the canine family.

(b) No dog, including those in heat, dangerous, or vicious, may run at large beyond the premises of its owner, unless in the immediate presence of and under the control of a responsible person. Direct control may be affected by leash, or by personal command, if the latter effectively provides direct and positive control. The requirements of this section are not altered by whether or not a dog is vicious or uninoculated.

(Code 1999, § 3.301)

(c) No person shall permit any excrement from any animal under that person’s control to remain on the street or any other public place or the private property of another, but shall dispose of same in a sanitary manner.

(d) Any violation of these provisions shall result in the owner of the animal being charged with a misdemeanor and may result in the animal being seized by the appropriate animal control officer or law enforcement officer.

#### **Sec. 4-64. Rabies Inoculation Required; County Requirements.**

(a) As required by S.C. Code 1976, § 47-5-60, It shall be unlawful for any person to own or have in possession any dog, cat, or ferret which has not been inoculated against rabies within the proceeding 12 months by a licensed veterinarian; pets inoculated with a vaccine good for a longer period of time than one year shall be deemed in compliance with the requirements of this section.

(b) The provisions hereof shall conform to such requirements as may be promulgated by County authorities.

(Code 1999, § 3.302)

#### **Sec. 4-65. Unrestrained Dogs or Unlicensed Dogs to be Impounded.**

The designated agent of the Town or any police officer is authorized to apprehend any unlicensed or unrestrained dog found running at large and impound the dog in a designated facility. In addition to any other penalty provided by law, the owner of such animal shall reimburse the Town for any costs incurred by the Town in the capture and confinement of such animal.

(Code 1999, § 3.303)

#### **Sec. 4-66. Cruelty**

(a) *Animals care generally.* No owner shall fail to provide his animals with sufficient, good and wholesome food and water at all times; proper shelter and protection from the weather; a clean and sanitary environment; veterinary care when needed to prevent suffering; and humane care and treatment. Failure to comply with the animal

control officer's instructions or directions will result in the animal control officer impounding the animals pending the ruling of the court.

(b) *Mistreatment.* No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any fight or other combat between animals or animals and humans.

(c) *Cropping or dubbing of ears, tails, comb, wattles, spurs or earlobes.* No person shall crop or dub an animal's ears or tail or wattle or comb, except a licensed veterinarian who is qualified to perform such an operation.

(d) *Giving away for commercial purpose.* No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(e) *Striking with motor vehicle.* Any person, as the operator of a vehicle, who strikes a dog or cat should, if reasonably possible, report the accident to the owner, and should call 911 and ask that the police department be notified of the time and place of the accident.

(f) *Poisoning.* No person shall expose any known poisonous substance, whether mixed with food or not, in such a manner as to endanger any animal.

(g) *Leaving unattended.* No person shall leave an animal unattended for more than twenty-four (24) hours. This shall constitute abandonment. After a twenty-four (24) hour period, if no contact has been made with an owner, the police department and/or their designee will pick up the animal and transport it to the designated facility.

(h) *Locking in vehicle.* It shall be illegal for any person to leave an animal unattended in a vehicle. A law enforcement officer will remove the animal when the officer's opinions are that the animal is in distress.

(i) *Denial of shelter.* No person shall fail to provide shelter or deny shelter for any animal, fish, bird, fowl or reptile of any kind in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use.

(j) *Denial of treatment.* No person shall fail to provide humane treatment or deny humane treatment for any disease, sick or injured animal.  
(Code 1982, § 4-12)

#### **Sec. 4-67. Trap-Neuter-Release (TNR)**

*TNR Program* means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and returned to the current location of the managed colony. TNR is recognized as the humane and preferred way to manage the population of free roaming felines within the Town of Bluffton.

(a) Cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Section.

(b) *Caregiver Requirements.* It shall be the duty of the caregiver to:

- (1) To trap all cats within a colony and remove them to an approved facility for mandatory spay/neutering, rabies vaccination and marking then place the animals back into the colony. In facilitating the spay/neutering of cats, caregivers shall be presumed to have acted in good faith in concluding that cats routinely congregate within the colony are feral.
- (2) Help to resolve any complaints over the conduct of a colony or a cat within a colony.
- (3) Providing food, water and suitable shelter for colony cats.
- (4) Observe the colony cats daily for new members, illness or unusual behavior noticed in any colony cats. New additions o any managed colony should be trapped as soon as feasible for mandatory spay/neuter.
- (5) Obtaining proper medical attention to any colony cat that appears to require it.
- (6) Obtaining written approval of the owner of any property, on which the colony resides, or to which the caregiver requires access, to provide colony care. If private property owners deny permission and all avenues of mitigation and education are exhausted, then the Chief of Police may authorize Beaufort County Animal Control Officers or an appropriate organization to trap and relocate the colony.
- (7) In the event the kittens are born to a colony cat, the caregiver shall remove the kittens from the colony after they have been weaned and make every effort to place the kittens in homes or foster homes for the purpose of subsequent permanent placement.

**Secs. 4-68 – 4-90 Reserved.**

#### **ARTICLE IV. BIRD SANCTUARY**

**Sec. 4-91. Established.**

(a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of Town known as Palmetto Bluff.

(b) Unless otherwise authorized under state hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council or the Manager.  
(Code 1999, § 3.401)

#### **Penalties.**

Any person, persons, firm, company, representative of any firm or company otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor, each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not

exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. (1976 SC Code §14-25-65)

**Severability.**

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

**Effective Date.**

This ordinance shall become effective thirty (30) days after its adoption.

**NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, AND IT BE ORDAINED BY SAID AUTHORITY OF COUNCIL.**

First Reading was held on this Ordinance on July 20, 2010.

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:

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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina

Second and final reading was held on the Ordinance on August 10, 2010.

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:

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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina

## EXHIBIT B

### CODE OF ORDINANCES FOR BEAUFORT COUNTY, SOUTH CAROLINA

#### Chapter ~~14~~ - ANIMALS

##### ARTICLE I. - IN GENERAL

Secs. ~~14-1~~—~~14-25~~. - Reserved.

##### ARTICLE II. - ANIMAL CONTROL

Sec. ~~14-26~~. - Authority for and enactment of chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.

Sec. ~~14-27~~. - Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandonment* shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

*Animal* shall mean a live vertebrate creature except a human being.

*Animal services director* means any person so appointed by the county administrator.

*Animal services facility* shall mean any facility so designated by the county council.

*Animal services officer* shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

*BCAS* shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

*Breeder* shall mean any person owning unaltered pets with the intent of selling pets' offspring.

*Domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

*Dub* shall mean to trim or remove.

*Feral* shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

*Livestock* shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

*Non-domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

*Nuisance* shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

*Owner* shall mean any person who:

1. Has a property right in an animal;

2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

*Pet* shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

*Pitbull* shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Stafford Bull Terrier, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

*Shelter* shall mean a structure that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

*Tethering* shall mean a chain, rope, leash, cable, or other device that attaches the pet to a single stationary point.

*Strict voice control* shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

*Unaltered* shall mean a pet which has not been spayed or neutered.

*Under restraint* shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

#### Sec. 14-28. - County pet license; rabies vaccination tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

#### Sec. 14-29. - Lifetime/annual pet license issuance, fees and exemptions.

- (a) *Eligibility.* The owner of a pet four months of age or older that is spayed/neutered and permanently identified may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- (b) *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license, permanent identification form, and new registration with the micro-chipping company.
- (c) *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:
  - (1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
  - (2) Have a licensed veterinarian scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
  - (3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify

the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

(d) *County license fees.* The county license schedule of fees are as follows:

- (1) Pets previously sterilized and with permanent identification shall be a one-time fee of \$5.00.
- (2) Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and \$5.00 license fee.
- (3) Fertile pets with a permanent identification shall be \$20.00 annually. Fertile pet licenses will expire on June 30 of each year and are non-transferable.
- (4) Fertile pets with no permanent identification shall be \$50.00 annually and will be issued a metal tag to be worn at all times fertile pet licenses will expire on June 30 of each year and are non-transferable.

(e) *Exemptions.* Exempt owners shall be required to pay a one-time microchip fee and will not be required to have the pet spayed/neutered. The following are exempt owners:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery.
- (2) Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events within the past 12 months.
- (3) Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources.
- (4) Any owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain a lifetime license but shall not be required to pay any license fee.

Sec. 14-30. - Declaration of restricted dog, appeal of breed determination.

- (a) For the purposes of this section, a restricted dog shall be defined as a pitbull.
- (b) No person may own, keep, or harbor a restricted dog in violation of this section.
- (c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:
  - (1) The restricted dog is less than four months of age;
  - (2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.
  - (3) The determination of the dog's breed is under appeal pursuant to section 14-30(d)(2);
  - (4) The owner or custodian has owned or had custody of the dog less than 30 days.
- (d) Determination of breed and appeal of determination.
  - (1) *Determination.* The director of BCAS or his designee, in his or her discretion, make a breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in section 14-27 for pitbulls shall not be construed to indicate the dog is not a pit bull dog under this section.



- (2) *Notice.* Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, and notice of appeal process.
- (3) *[Compliance.]* The owner or custodian of an unaltered restricted dog shall comply with this article within 30 days after receipt of notice of breed determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.
- (e) *Appeal.* Notice of a declaration of breed determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten days of service of the notice.

#### Sec. 14-31. - Pet breeder license, inspection and fees.

It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- (a) Individuals engaged or intending to engage in breeding must obtain a non-transferable, pet breeder license from BCAS.
- (b) Applicants must have a valid county pet license for all pets that have reached the age of four months before applying for the pet breeder license.
- (c) BCAS shall conduct an inspection of the identified property for the pet breed license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (d) To qualify for a pet breeder license the applicant must demonstrate the following:
  - (1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
  - (2) All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
  - (3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
  - (4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five years of the date of application.
- (f) The pet breeder license fee shall be \$100.00 annually. The license shall expire on June 30 of each year.
- (g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

#### Sec. 14-32. - Dangerous animals.

- (a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

- (1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
  - (2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;
  - (3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
  - (4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;
  - (5) An animal which is used as a weapon in the commission of a crime.
- (b) Declaration of a dangerous animal, confinement requirements, and final determination of dangerous animal declaration.
- (1) *Declaration.* An animal services officer or law enforcement officer, in his or her discretion, may declare an animal dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.
  - (2) *Confinement requirements and registration.* Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:
    - a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
    - b. The pen or kennel must be clearly marked as containing a dangerous animal.
    - c. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.
    - d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00.
    - e. The owner must obtain a dangerous animal registration/license from BCAS and pay a \$5.00 registration fee.
  - (3) *Final determination of dangerous animal declaration.* Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable.
- (c) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

Sec. 14-33. - Running at large.

- (a) *[Unlawful.]* It shall be unlawful for any owner or custodian of any pet to permit the same to run at large except on property owned or rented by the owner or custodian. All pets must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other similar restraining device.

- (b) *Exemption.* Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1 through September 30. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1 through March 31.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30 of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

- (c) *Exempt dogs.* Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

#### Sec. 14-34. - Nuisance pets or livestock.

- (a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- (b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:
- (1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33.
  - (2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
  - (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 14-32.
  - (4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.
  - (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
  - (6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
  - (7) Maintaining a pet or livestock that is diseased and dangerous to the public health.
  - (8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
  - (9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.

- (c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

#### Sec. 14-35. - Animal cruelty.

- (a) *Animal care generally.* It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.
- (b) *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.
- (c) *Physical alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.
- (d) *Abandonment.* It shall be unlawful for any owner to abandon an animal.
- (e) *Unlawful tethering.* No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree for longer than 24 consecutive hours. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. No chain or tether shall weigh more than one-eighths of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.
  - (1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
    - a. Inside a pen or secure enclosure; or
    - b. A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
    - c. The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all
  - (2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

#### Sec. 14-36. - Sale of animals, pets or livestock.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away any animal or pet under five weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.

- (d) Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.
- (e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

**Sec. 14-37. - Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.**

- (a) *Seizure and right of entry.* If the owner does not give permission to the animal services officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the animal services officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.
- (b) *Citation.* The animal services officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the animal services officers shall post a copy of the notice at the property where the animal was seized.
- (c) *Custody.* The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 14-39, below.
- (d) Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

**Sec. 14-38. - Impoundment.**

- (a) Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.
- (b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.
- (c) The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has 14 days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within 14 days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the director of animal services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).
- (d) Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the director of animal services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.
- (e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

#### Sec. 14-39. - Redemption.

- (a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:
  - (1) For a pet or livestock that has been properly inoculated, licensed, microchipped, and neutered or spayed, at the BCAS director of animal services or his/her designee, may issue a warning for the first offense at their discretion and investigation of circumstances. First offense fee is \$50.00, second offense is \$150.00, third offense and any subsequent offense is \$250.00.
  - (2) For a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered the fee shall be \$50.00 plus the appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock as appropriate.
  - (3) Fertile pets or livestock (as appropriate) shall not be redeemed or adopted unless one of the criteria under the exemptions provisions in subsections 14-29(e)(1)—(4) has been met.
  - (4) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 14-29(e)(1)—(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections 14-32, 14-33, 14-34, or 14-35.
- (b) In addition to the redemption fee, a boarding fee after 24 hours of \$25.00 per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- (c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

#### Sec. 14-40. - Adoption.

- (a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.
- (b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- (c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.
- (d) The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

#### Sec. 14-41. - Trapping.

- (a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the animal services department. Any pets, livestock or domestic animals trapped with prior approval from the animal services department will be reported or delivered to the animal services department for purposes of identification of the pet's owner and record

keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the animal services department. If a trapped animal is in need of immediate attention, the animal services department or 911 will be notified immediately of the animal in distress.

- (b) Exemption. Trapping is permitted for hogs.

Sec. 14-42. - Management of feral cat colonies.

- (a) *Definitions.*

*Caregiver* means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

*Caregiver manager* means any person in charge of a caregiver program.

*Ear tipping* means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

*Feral cat* means a cat which currently exists in a wild or untamed state.

*Feral cat colony* means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

*Nuisance* means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming, or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

*Suitable shelter* means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

*TNR* means trap, neuter/spay and release.

*TNA program* means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

- (b) *Feral cat colony management.* Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by animal services department.

Sec. 14-43. - Livestock.

- (a) All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- (b) Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.
- (c) Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.
- (d) Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if

such keeping shall constitute a menace to health or welfare of the public. To the extent that other section within this chapter reference livestock this section shall be controlling.

**Sec. 14-44. - Importation of exotic animals prohibited.**

- (a) *Definition.* An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.
- (b) *Unlawful act.* It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.
- (c) *Exceptions.* This division shall not apply to following entities:
  - (1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).
  - (2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.
  - (3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.
  - (4) A team mascot for a university or educational facility.

**Sec. 14-45. - Rabies Control Act (S.C. State Law 47-5-10).**

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

**Sec. 14-46. - Interference with animal services officers.**

It shall be unlawful for any person to interfere with, hinder, or molest an animal services officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

**Sec. 14-47. - Enforcement and penalties.**

- (a) The animal services officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.
- (b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.
- (c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both.



Secs. 4-48—4-55. - Reserved.

## EXHIBIT C

### CODE OF ORDINANCES FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA

#### Chapter 4, Animals

#### ARTICLE III, SPECIFIC TO THE TOWN OF BLUFFTON

##### Sec. 4-56. - Driving and racing.

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

##### Sec. 4-57. - Swine, livestock prohibited from Town; exceptions.

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.

##### Sec. 4-58. - Nuisances; failure to abate.

(a) All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County health officer.

##### Sec. 4-59. – Wild bird sanctuary established.

(a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Palmetto Bluff.

(b) Unless otherwise authorized under state hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council or the Manager.